IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

**WRIT PETITION NO.9199 OF 2005**

Shankarlal Dharamchand Agarwal ).. Petitioner

Versus

Union of India and others ).. Respondents

Mr.C.G. Gavnekar with Mr.Gautam Hiranandani for the Petitioner.

None present for the Respondents.

**CORAM: V.G. PALSHIKAR, Ag. C.J. AND SMT. NISHITA MHATRE, J.**

**DATED: 30TH JANUARY 2006**

**P.C.:**

. The Petitioner filed Writ Petition No.7491 of 2005 claiming certain reliefs in relation to tenders that were invited and being considered by the Respondents. Due to events which occurred during the pendency of that Writ Petition, it was allowed to be withdrawn with liberty to file fresh Petition, if so advised. Accordingly, the present Petition is now filed seeking quashing of the subsequent action basically on the ground that the Respondents have no power to issue such tenders or consequentially grant or execute the lease deed. Factually, lease deed is executed and it is sought to be cancelled by way of this Writ Petition.

2. A Civil Suit for declaration that the lease deed dated 1st December 2005 is void or illegal is the proper remedy where breach of conditions of tender, non-existance of power, if any, can always be agitated. Reserving that right to the Petitioner, Writ Petition dismissed.